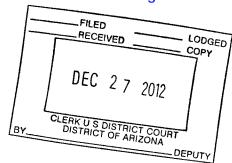
John S. Leonardo United States Attorney District of Arizona 405 W. Congress, Suite 4800 Tucson, Arizona 85701-5040 Telephone (520) 620-7300



UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA

United States of America,

Plaintiff,

VS.

12-0(2)7M PLEA AGREEMENT (Flip Flop)

Maria Rosalba Mogollon-Hernandez,

Fast Track 5K3.1

The Parties enter into the following agreement:

- 1. Maria Rosalba Mogollon-Hernandez will enter a plea to Count 2 of the complaint, Alien Eluding Examination and Inspection by Immigration Officers of the United States, a petty misdemeanor offense, in violation of Title 8, United States Code§ 1325. This plea will occur no later than the time set for the detention hearing/preliminary hearing.
- 2. The government will dismiss Count 1 of the complaint, Illegal Re-Entry After Deportation, a felony, in violation of Title 8, United States Code§ 1326(b)(2). This charge, if proven, carries a maximum sentence of 20 years imprisonment, \$250,000 fine, up to 3 years supervised release, and a \$100 special assessment. The government will dismiss this charge at the time of sentencing.

- 3. The maximum penalties for the offense to which I am pleading are six (6) months in custody, a \$5,000 fine, and a \$10 special assessment.
- 4. Pursuant to this plea agreement, the government and the defendant stipulate and agree to a sentence of 180 consecutive days of imprisonment to be served in a designated Bureau of Prisons facility.
- 5. The parties waive a Pre-sentence Report and agree that sentencing will occur on the date of the change of plea. The defendant understands and agrees that this plea agreement contains all terms, conditions, and stipulations regarding sentencing. If the court departs from the terms and conditions set forth in this plea agreement, either party may withdraw.
- 6. Pursuant to this plea, the defendant waives: (1) any right to appeal the Court's entry of judgment against defendant; (2) any right to appeal the imposition of sentence upon defendant under Title 18, United States Code§ 3742 (sentence appeals); and (3) any right to collaterally attack defendant's conviction and sentence under Title 28, United States Code§ 2255, or any other collateral attack. If the defendant files a notice of appeal or habeas petition, notwithstanding this agreement, defendant agrees that this case shall, upon motion of the government, be remanded to the district court to determine whether the defendant is in breach of this agreement and, if so, to permit the government to withdraw from the plea agreement.
 - 7. The elements of Improper Entry By an Alien are as follows:
 - (a) The defendant is not a citizen of the United States,
 - (b) The defendant entered or attempted to enter the United States, and
- (c) The defendant entered or attempted to enter at any time or place other than as designated by immigration officer.

- 8. If the defendant entered the United States at a place outside the jurisdiction of this court, the defendant agrees to waive his right to raise a challenge based on improper venue under Title 8, United States Code§ 1329 in order to permit the court to accept the defendant's guilty plea and sentence the defendant in accordance with this plea agreement.
- 9. The defendant recognizes that pleading guilty may have consequences with respect to the defendant's immigration status if the defendant is not a citizen of the United States. Removal from the United States and other immigration consequences are the subject of a separate proceeding, however, and the defendant understands that no one, including the defendant's attorney or the court, can predict to a certainty the effect of the defendant's conviction on the defendant's immigration status. The defendant nevertheless affirms that he/she wants to plead guilty regardless of any immigration consequences that this plea may entail, even if the consequence is the defendant's automatic removal from the United States.
- 10. I agree that this written plea agreement and an addendum contain all the terms and conditions of my guilty plea.

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11. Factual Basis for Plea:

I, Maria Rosalba Mogollon-Hernandez, am a citizen of Columbia. On or about December 17, 2012, I was found in the District of Arizona at or near Lukeville. As evidenced by my illegal presence in the District of Arizona, I further admit that I entered the United States from the Republic of Mexico, on or about December 17, 2012 at or near Lukeville, Arizona at a time and place other than as designated by Immigration Officers of the United States.

Dated this 24 day of Occember, 2012

Rosalba Ada.

Maria Rosalba Mogollon-Hernandez

Defendant

Defense Counsel

John S. Leonardo
United States Attorney
District of Arizona

Mr. C. C.

Assistant U.S. Attorney